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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,261	06/28/2001	Gary M. Lewis	2386.2003-002	5056
21005	7590	01/10/2006		
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,261

Applicant(s)

LEWIS ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2005 has been entered.

Specification

3. Examiner requests Applicants to update status of any related co-pending application as mentioned in the specification.
4. The disclosure is objected to because of the following informalities: the deframer 232 on page 13, lines 10 should be "deframer 234" as disclosed in Figure 2.

Appropriate correction is required.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "270" has been used to designate both modem relay processing module and PCM connection for 270 label in Figure 2, and reference character "272" has been used to designate both idle generate and modem detect for label 272 in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 2, 4-6, 8-10, 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho [US Patent No 6,870,837], in view of Yamano et al. [US Patent No 6,445,731].

8. As per claim 1, Ho discloses the invention substantially as claimed including a method implemented in an Internet node for reducing Internet bandwidth used for VoIP modem, a first modem coupled to the Internet node and a second modem coupled to another Internet node, the method comprising:

upon detecting idle data received from the first modem over a GSTN network to forward to the other Internet node over the IP network in the payload of a data packet, dropping the detected idle data by not forwarding the data packet over the IP network [col 6, lines 58-col 7, lines 6].

Ho does not specifically disclose

upon detecting no data packets received from the other Internet node over an IP network to transmit to the first modem, regenerating idle data at the Internet node to transmit to the first modem, the regenerated idle data used to maintain a connection between the first modem and the second modem.

Yamano discloses

upon detecting no data packets received from the other Internet node over an IP network to transmit to the first modem, regenerating idle data at the Internet node to transmit to the first modem, the regenerated idle data used to maintain a connection between the first modem and the

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second modem [i.e. framer 102 generates idle information] [102, Figure 1; col 1, lines 33-55; and col 3, lines 47-57].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ho and Yamano because Yamano's teaching of generating idle data would allow communication devices to maintain their connections during silence period.

9. As per claim 2, Ho discloses the idle data is "FF" [i.e. idle flag can be set [i.e. set to 1]] [col 6, lines 57-64].

10. As per claim 4, Ho discloses wherein the Internet node is an Internet Gateway [120, 140, Figure 1; and col 3, lines 16-25].

11. As per claims 5, 6 and 8, they are rejected for similar reasons as stated above in claims 1, 2, and 4.

12. As per claims 9, 10 and 12, they are rejected for similar reasons as stated above in claims 1, 2, and 4.

13. As per claim 13, it is rejected for similar reasons as stated above in claim 1.

14. As per claim 14, Ho discloses wherein the idle data is transmitted over the IP network in a modem relay payload of the data packet [Figure 1; Abstract].

15. As per claim 15, Ho does not specifically disclose wherein the data packet includes an RTP header. Yamano discloses wherein the data packet includes an RTP header [i.e. real time information such as voice and video] [col 1, lines 21-31]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ho and Yamano because Yamano's teaching of RTP protocol would allow to transmit variety of traffic data including voice and video.

16. As per claim 17, Yamano discloses establishing a modem connection between the first modem and the second modem [Abstract; and col 1, lines 19-32].

17. Claims 3, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho [US Patent No 6,870,837], in view of Yamano et al. [US Patent No 6,445,731], and further in view of Cidon et al. [US Patent No 5,343,473].

18. As per claim 3, Ho and Yamano do not specifically disclose wherein the idle data is "7E". Cidon discloses wherein the idle data is "7E" [col 4, lines 54-60]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ho, Yamano and Cidon because Cidon's teaching would allow to identify and process any data information.

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19. As per claims 7 and 11, they are rejected for similar reasons as stated above in claim 3.

20. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho [US Patent No 6,870,837], in view of Yamano et al. [US Patent No 6,445,731], and further in view of Byers [US Patent No 5,959,996].

21. As per claim 16, Ho and Yamano do not specifically disclose wherein the idle data transmitted over the GSTN network is encoded in a PCM stream. Byers discloses wherein the idle data transmitted over the GSTN network is encoded in a PCM stream [col 2, lines 33-36]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ho, Yamano and Byers because Byers' teaching of PCM would allow to receive and transmit information data as is used in the telephone art and ISDN data [Byers, col 2, lines 33-37].

22. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

23. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154


JOHN FOLLANSBEE
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